
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CLEARONE COMMUNICATIONS, INC., a
Utah corporation,

Plaintiff,

v.

ANDREW CHIANG, an individual, JUN
YANG, an individual, LONNY BOWERS, an
individual, WIDEBAND SOLUTIONS, INC.,
a Massachusetts corporation, VERSATILE
DSP, INC., a Massachusetts corporation, and
BIAMP SYSTEMS CORPORATION, an
Oregon corporation,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING [1313] MOTION TO
COMPEL CLEARONE TO REVEAL
THE SOURCE OF “EXHIBIT B”
AND DENYING MOTION TO STRIKE
ANY REFERENCE
THERETO

Civil No. 2:07-cv-037 TC-DN

District Judge Tena Campbell

Magistrate Judge David Nuffer

WideBand Defendants (Defendants Andrew Chiang, Jun Yang, Lonny Bowers, Wideband Solutions, Inc., and Versatile DSP) have moved to compel¹ ClearOne Communications, Inc., (ClearOne) to reveal the source of a purported email² attached to a post judgment motion by Clear One. ClearOne touts the email as provocative evidence of WideBand Defendants illicit intentions,³ but WideBand Defendants persuasively analyze the purported e-

¹ Motion to Compel ClearOne to Reveal the Source of Exhibit “B” and to Strike Any Reference Thereto (Motion), docket no. [1313](#), filed November 18, 2008.

² The purported email is attached as Exhibit A to WideBand’s Memorandum in Support of Motion to Compel ClearOne to Reveal the Source of Exhibit “B” and to Strike Any Reference Thereto (Motion), docket no. [1314](#), filed November 18, 2008. A more complete version is attached as Exhibit A to ClearOne’s Opposition to Defendants’ Motion to Compel ClearOne to Reveal the Source of Exhibit “B” and to Strike Any Reference Thereto (Opposition), docket no. [1318](#), filed November 21, 2008.

³ Memorandum in Support of Motion for Permanent Injunction, Exemplary Damages, and Entry of Final Judgment at 3, docket no. [1294](#), filed November 12, 2008.

mail⁴ and argue that it “reveals nothing relevant.”⁵ The court agrees with WideBand Defendants’ characterization: “Put simply, Exhibit B is a distraction.”⁶

To the extent that ClearOne intends to argue the meaning of the purported e-mail, it will need to argue its significance, which will include provenance. The burden is on the proponent.

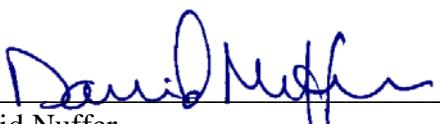
ORDER

Therefore,

IT IS HEREBY ORDERED that the motion to strike any reference to the email is DENIED and the motion to compel⁷ is DENIED.

DATED this 30th day of December 2008.

UNITED STATES DISTRICT COURT



David Nuffer
US Magistrate Judge

⁴ WideBand Defendants Consolidated (1) Reply Memorandum in Support of its Motion to Compel ClearOne to Reveal the Source of Exhibit “B” and to Strike Any Reference Thereto (Reply) at 7-8, docket no. [1330](#), filed December 8, 2008.

⁵ *Id.* at 8.

⁶ *Id.*

⁷ Motion to Compel ClearOne to Reveal the Source of Exhibit “B” and to Strike Any Reference Thereto (Motion), docket no. [1313](#), filed November 18, 2008.